

REMARKS

This Amendment and Response is believed to be fully responsive to the Office Action mailed June 15, 2005. In that Action: claims 1, 4, 10, 13-15, 20, 21, 24-27, and 33 were rejected (and possibly 34-36, although it is not completely clear that these latter claims have been rejected) under 35 U.S.C. §103(a) as being unpatentable over Utsumi (USPN 5,729,281) in view of Bigham (USPN 5,740,075); claims 2 and 3 were rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Chen (USPN 5,699,105); claim 5 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Rakib (US Pat. Pub. No. 2002/0019984); claim 6 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Dunn (USPN 5,721,829); claim 7 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Fries (USPN 6,317,885); claims 8, 9, and 19 were rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Nikolich (US Pat. Pub. No. 2002/0073431); claim 11 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Ahmed (USPN 6,519,773); claim 12 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and DeRodeff (USPN 5,828,403); claim 16 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, Chen, and an article in IEEE Communications Magazine; claims 17 and 18 were rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Kitamura (USPN 6,188,871); claim 22 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and Wunderlich (USPN 5,631,693); claim 23 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, and McGowan (US Pat. Pub. No. 2003/0018745); claims 28, 29, and 31 were rejected under §103(a) as being unpatentable over the combination of

Utsumi, Bigham, and Decker (USPN 6,009,465); claim 30 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, Decker, and Shekel (USPN 3,639,840); and claim 32 was rejected under §103(a) as being unpatentable over the combination of Utsumi, Bigham, Decker, and Hoarty (USPN 5,220,420).

Claims 1, 26, and 33-36 have been amended. New claims 37-42 have been added. Claims 1, 26, and 33 have been amended to place them into better form and to further distinguish over the prior art of record. Claims 34-36 have been amended to change their dependency from claims 1, 26, and 33 to new claims 37-39.

New claims 37-39 are believed to be patentable because of their dependence on claims 1, 26, and 33, in addition to the further limitations therein. New claim 40 is believed to be patentable because the prior art is not believed to teach or suggest the limitation that at least a portion of the tuner/receiver/decoders in the headend can be shared so that the video channel provided by such a shared tuner/receiver/decoder is provided via one or more service modules to more than one interface unit. New claim 41 is believed to be patentable because the prior art is not believed to teach or suggest the limitation that the video channels are not re-modulated at any point after being tuned/received/decoded at the headend. New claim 42 is believed to be patentable because the prior art is not believed to teach or suggest the limitation that each service module communicates information to the interface units associated with the service module, the information including the predetermined frequency and/or the location of the video channel within the digital multiplex in the case of the digital multiplex being sent to the interface unit. Reconsideration of the rejected claims is hereby requested.

Each of the independent claims (1, 26, and 33) has been rejected over the combination of Utsumi and Bigham. Utsumi appears to disclose a cable television system in which a channel

selection signal is transmitted from a subscriber device to a selective distribution station, so that the selective distribution station can select the selected channel from an all-channel signal that it receives from the center station. The selective distribution station then provides the selected channel to the subscriber device. Bigham appears to disclose an access subnetwork controller for video dial tone networks. The system includes a broadcast headend node that receives an OC-48 signal from a broadcast ring.

It is believed that neither Utsumi nor Bigham, nor any of the other prior art, discloses the use of a tuner/receiver/decoder in the headend to provide a video channel which is then provided downstream to a service module and eventually further downstream to an interface unit. Still further, the presence in the independent claims of this limitation and further limitations makes these claims patentable. Even with tortured combinations of the prior art, without any suggestion to so combine them other than impermissible hindsight, the claimed systems of the present invention are not obtained.

As amended, each of claims 1, 26, and 33 contain the following limitation in the claimed cable distribution system that is not taught or suggested by Utsumi, Bigham, or the remaining prior art: at least a portion of the tuner/receiver/decoders in the headend can be shared so that the video channel provided by such a shared tuner/receiver/decoder is provided via one or more service modules to more than one interface unit. Because this limitation is not taught or suggested in the prior art, and thus its combination with the remaining limitations is not taught or suggested, it is respectfully submitted that each of these independent claims is patentable and that the claims dependent thereon are patentable as well.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone

conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Robert G. Crouch

Registration No. 34,806

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720) 562-5506

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